

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

JOSE TORO NARANJO,
a/k/a "Jorge Ivan Toro Naranjo,"
a/k/a "Don Marcos," and
RAFAEL DE JESUS RICAURTE-GOMEZ,
a/k/a "Naruto,"
a/k/a "Rafa,"

Defendants.

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PROTECTIVE ORDER

15 Cr. 109 (NRB)

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS JOSE TORO NARANJO, a/k/a "Jorge Ivan Toro Naranjo," a/k/a "Don Marcos," and RAFAEL DE JESUS RICAURTE-GOMEZ, a/k/a "Naruto," a/k/a "Rafa," the defendants, have sought from the Government access to certain recordings and electronic communications that are discoverable pursuant to Rule 16 of the Federal Rules of Criminal Procedure ("Rule 16") and which were recorded by a confidential source or sources; and

WHEREAS the Government intends to produce to the defendants these recordings and electronic communications (the "protected recordings") and accompanying draft summaries and transcripts, to the extent available (collectively, the "protected

materials"); and

WHEREAS the Government desires to protect the identity of the confidential source(s) who made the recordings and electronic communications contained in the protected materials; and

WHEREAS the defendants have eschewed any desire or intent to display to any person to whom paragraph 5 below would apply any tapes or photographs and seek only to show such individual text of any conversation or tape;

NOW, THEREFORE, IT IS HEREBY **ORDERED**:

1. The protected materials shall be used by the defendants, their counsel, and their counsel's agents only for purposes of defending the charges, in connection with sentencing, and pursuing any appeals, in this criminal action. To the extent the protected materials are shown to additional persons consistent with the terms set forth below, those additional persons may only use the protected materials in connection with this criminal action.

2. The Government will mark all items subject to this protective order in a manner indicating their protected status.

3. The protected materials and the information and identities contained or disclosed therein:

(a) Shall be used by the defendants and their

counsel only for purposes of this action;

(b) Shall not be disclosed in any form by either defendants or their counsel except as set forth in paragraph 3(c) below;

(c) May be disclosed only by a defendants' counsel and only to the following persons (hereinafter "Designated Persons"):

(i) investigative, secretarial, clerical, paralegal and student personnel employed full-time or part-time by the defendants' attorneys;

(ii) independent expert witnesses, investigators or advisors retained by the defendants in connection with this action; and

(iii) other persons only as provided in paragraph 5 below and as authorized by the Court;

(d) Shall be returned to the Government following the conclusion of this case.

4. The defendants and their counsel shall provide a copy of this protective order to Designated Persons to whom the protected materials are disclosed pursuant to paragraphs 3(c)(i),


(ii) and (iii). Designated Persons shall be subject to the terms of this order.

5. Defense counsel may raise with the Court a challenge to the Government's classification of materials as protected, but only after the defendant has raised the issue with the Government and the parties, despite a good faith effort, have failed to resolve their dispute. No materials classified as protected may be shown to a person not designated in paragraphs 3(c)(i) and (ii) unless the issue of the appropriateness of the classification has been presented to the Court and the issue resolved in defendants' favor.

6. The provisions of this order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, sentencing, or appeal proceeding held in this action or to any judge or magistrate of this Court for purposes of this action.

SO ORDERED.

Dated: New York, New York
March 3, 2016



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE